



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 18, 1998

Mr. Raymundo Lopez
Garcia, Lopez & Wood, P.L.L.C.
214 W. Cano Street
Edinburg, Texas 78539

OR98-0747

Dear Mr. Lopez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113923.

The Edinburg Consolidated Independent School District (the "district") received a request for "any correspondence you have received from Mrs. Betty Evins pertaining to an investigation of my actions during my tenure as ENHS principal." You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(1) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." Section 552.108 generally applies to records of a law-enforcement agency or prosecutor. However, in certain circumstances, an agency that is not a law-enforcement agency may claim section 552.108. *See* Open Records Decision No. 493 (1988). This office has determined that if an investigation by an administrative agency reveals possible criminal conduct that the agency intends to report or already has reported to the appropriate law-enforcement agency, section 552.108 will apply to the information gathered by the administrative agency if its release would interfere with law enforcement. *Id.* You state "this matter involves the investigation of alleged violations of law," and that the district has reported the incident which is the subject of this request for information to the Edinburg Police Department (the "department"). You further represent that the department is actively investigating this matter. Based upon these representations, we conclude that the district may withhold the information from disclosure under section 552.108(a)(1). *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Vickie Prehoditch".

Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/gle

Ref.: ID# 113923

Enclosures: Submitted documents

cc: Ms. Marissa Garza
1207 Pine Avenue
Pharr, Texas 78577
(w/o enclosures)